

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

**SUMMARY ORDER**

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO SUMMARY ORDERS FILED AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY THIS COURT'S LOCAL RULE 32.1 AND FEDERAL RULE OF APPELLATE PROCEDURE 32.1. IN A BRIEF OR OTHER PAPER IN WHICH A LITIGANT CITES A SUMMARY ORDER, IN EACH PARAGRAPH IN WHICH A CITATION APPEARS, AT LEAST ONE CITATION MUST EITHER BE TO THE FEDERAL APPENDIX OR BE ACCOMPANIED BY THE NOTATION: "(SUMMARY ORDER)." A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF THAT SUMMARY ORDER TOGETHER WITH THE PAPER IN WHICH THE SUMMARY ORDER IS CITED ON ANY PARTY NOT REPRESENTED BY COUNSEL UNLESS THE SUMMARY ORDER IS AVAILABLE IN AN ELECTRONIC DATABASE WHICH IS PUBLICLY ACCESSIBLE WITHOUT PAYMENT OF FEE (SUCH AS THE DATABASE AVAILABLE AT [HTTP://WWW.CA2.USCOURTS.GOV/](http://www.ca2.uscourts.gov/)). IF NO COPY IS SERVED BY REASON OF THE AVAILABILITY OF THE ORDER ON SUCH A DATABASE, THE CITATION MUST INCLUDE REFERENCE TO THAT DATABASE AND THE DOCKET NUMBER OF THE CASE IN WHICH THE ORDER WAS ENTERED.

At a stated term of the United States Court of Appeals  
for the Second Circuit, held at the Daniel Patrick Moynihan  
United States Courthouse, 500 Pearl Street, in the City of  
New York, on the 23<sup>rd</sup> day of December, two thousand nine.

PRESENT:

RALPH K. WINTER,  
PIERRE N. LEVAL,  
REENA RAGGI,  
*Circuit Judges.*

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LINTJE JOHANES, A.K.A. LINTJE JOHANNES,  
*Petitioner,*

v.

ERIC H. HOLDER, JR., UNITED STATES  
ATTORNEY GENERAL,  
*Respondent.*

09-1112-ag  
NAC

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FOR PETITIONER: H. Raymond Fasano, New York, New  
York.

1     **FOR RESPONDENT:**                 **Tony West, Assistant Attorney**  
2   **General; Douglas E. Ginsburg, Senior**  
3   **Litigation Counsel, Zoe J. Heller,**  
4   **Trial Attorney, Office of**  
5   **Immigration Litigation, United**  
6   **States Department of Justice,**  
7   **Washington, D.C.**  
8

9             UPON DUE CONSIDERATION of this petition for review of a  
10    Board of Immigration Appeals ("BIA") decision, it is hereby  
11    ORDERED, ADJUDGED, AND DECREED, that the petition for review  
12    is DENIED.

13            Lintje Johanes, a native and citizen of Indonesia,  
14    seeks review of a February 19, 2009 order of the BIA,  
15    affirming the September 10, 2007 decision of Immigration  
16    Judge ("IJ") Annette S. Elstein, which denied her  
17    application for asylum, withholding of removal, and relief  
18    under the Convention Against Torture ("CAT"). *In re Lintje*  
19    *Johanes*, No. A098 550 482 (B.I.A. Feb. 19, 2009), *aff'g* No.  
20    A098 550 482 (Immig. Ct. N.Y. City Sept. 10, 2007). We  
21    assume the parties' familiarity with the underlying facts  
22    and procedural history in this case.

23            We review the agency's factual findings under the  
24    substantial evidence standard. See 8 U.S.C. §  
25    1252(b)(4)(B); see also *Corovic v. Mukasey*, 519 F.3d 90, 95  
26    (2d Cir. 2008). We review *de novo* questions of law and the

1 application of law to undisputed fact. *Salimatou Bah v.*  
2 *Mukasey*, 529 F.3d 99, 110 (2d Cir. 2008).

3 We find no error in the agency's conclusion that  
4 Johanes failed to meet her burden of proof on her  
5 application for withholding of removal.<sup>1</sup> This Court has  
6 consistently declined to disturb the agency's finding that  
7 there is no pattern or practice of persecution against  
8 Chinese Christians in Indonesia. See *Santoso v. Holder*, 580  
9 F.3d 110 (2d Cir. 2009) (citing *In re A-M-*, 23 I&N Dec. 737  
10 (BIA 2005)). Moreover, the record in this case includes  
11 reports by the U.S. Citizenship and Immigration Services  
12 Resource Information Center and the Department of State  
13 indicating that discrimination against ethnic Chinese in  
14 Indonesia has greatly declined, and that many laws  
15 discriminating against ethnic Chinese have been repealed.  
16 Finally, the Board reasonably noted that Johanes's actions  
17 in remaining in Indonesia for a substantial amount of time  
18 after she claims she was harmed and returning to the country  
19 after arriving in the United States in 2006 undermine her  
20 claim, as does the fact that her children and husband

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<sup>1</sup>Johanes concedes that we are without jurisdiction to consider the agency's pretermission of her untimely asylum application.

1 continue to live safely in the country.<sup>2</sup> See *Wensheng Yan*  
2 *v. Mukasey*, 509 F.3d 63, 68 n.2 (2d Cir. 2007); *Lie v.*  
3 *Ashcroft*, 396 F.3d 530 (3d Cir. 2005); see also *In re A-E-M-*  
4 *, 21 I. & N. Dec. 1157, 1160 (BIA 1998).*

5 Because Johanes failed to meaningfully argue her  
6 eligibility for CAT relief before either the agency or this  
7 Court, we deem such claim for relief abandoned. See *Gui Yin*  
8 *Liu v. INS*, 508 F.3d 716, 723 n.6 (2d Cir. 2007).

9 \_\_\_\_\_For the foregoing reasons, the petition for review is  
10 DENIED. As we have completed our review, any stay of  
11 removal that the Court previously granted in this petition  
12 is VACATED, and any pending motion for a stay of removal in  
13 this petition is DISMISSED as moot. Any pending request for  
14 oral argument in this petition is DENIED in accordance with  
15 Federal Rule of Appellate Procedure 34(a)(2), and Second  
16 Circuit Local Rule 34(b).

17 FOR THE COURT:  
18 Catherine O'Hagan Wolfe, Clerk  
19  
20

21 By: \_\_\_\_\_  
22 \_\_\_\_\_

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<sup>2</sup>We reject Johanes's request that we adopt the Ninth Circuit's "disfavored group" analysis. See *Sael v. Ashcroft*, 386 F.3d 922, 925 (9th Cir. 2004)